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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/803,084	03/08/2001	Thomas P. Glenn	G0049	8517	
7590 11/03/2004		•	EXAM	INER	
Serge J. Hodgson			WILLIAMS, AI	WILLIAMS, ALEXANDER O	
Gunnison, Mckay & Hodgson, L.L.P. 1900 Garden Road, Suite 220			ART UNIT	PAPER NUMBER	
Monterey, CA 93940			2826		

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Office Action Summary Application No. 9/803,084 CENN ET AL Examiner Alexander O Williams 2826 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. THE MAILING DATE OF THIS COMMUNICATION in no event, however, may a reply be timely filed aims 30 kg MoNTH from the mining date of this communication. If the period for reply specified above is less than thirty (30) days, a reply waitin the standory minimum of thirty (20) days will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply waitin the standory minimum of thirty (20) days will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply waitin the standory minimum of thirty (20) days will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply waitin the standory minimum of thirty (20) days will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply waitin the standory minimum of thirty (20) days will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply waitin the standory minimum of thirty (20) days will be considered timely. If the period for reply specified above is less than thirty (30) days, a reply waitin the standory minimum of thirty (30) days will be considered timely. If the period for reply specified above is less than thirty (30) days, and the standory minimum of thirty (30) days will be considered timely. If the specified to its period the replication is non-final. Sharp and the standory of the specified to its interest is a constant of the standory of the specified above is a replication of the standory of the specified above is standory of the s			A_{i}	_
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11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. **Attachment(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) **Interview Summary (PTO-413) Paper No(s)/Mail Date. Paper No(s)/Mail Date.	Applicant may not request that any objection to the	drawing(s) be held in abeyance. See	e 37 CFR 1.85(a).	
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. **Attachment(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) **Paper No(s)/Mail Date. Paper No(s)/Mail Date. Paper No(s)/Mail Date.	Replacement drawing sheet(s) including the correct	tion is required if the drawing(s) is ob	jected to. See 37 CFR 1.121(d).	
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Application/Control Number: 09/803,084

Art Unit: 2826

Serial Number: 09/803084 Attorney's Docket #: G0049

Filing Date: 3/8/2001;

Applicant: Glenn et al.

Examiner: Alexander Williams

Page 2

Applicant's Response filed 8/16/04 has been acknowledged.

Claims 16 to 22 and 26 to 29 have been canceled.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 41 recites the limitation "said first alignment mark" in claim 41. There is insufficient antecedent basis for this limitation in the claim.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 40 and 41, insofar as claim 41 can be understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable Matsumoto (U.S. Patent Application Publication # 2001/0040224 A1).

40. Matsumoto (figures 1 to 24) specifically figure 2 show a wafer 2 comprising: a first surface (top surface of 2; a second surface (bottom surface of 2); a scribe line (formed on the wafer) coupled to said first surface; and a means 12. Matsumoto fail to explicitly show a means for determining a position of said scribe line from said second surface, said means for determining extending through said wafer from said first surface to said second surface.

DOCUMENT-IDENTIFIER: US 20010040224 A1

TITLE: Positional deviation detecting method and device manufacturing method using the same

Detail Description Paragraph - DETX (15):

[0066] On the mask 1, there is an <u>alignment mark</u> (grating lens) 30a comprising a Fresnel zone plate having a power only in X direction, which is formed on a <u>scribe line</u>. First order transmissively diffractive light from the <u>mark</u> is being influenced by light converging function. Another <u>alignment mark</u> (grating lens) 30b is formed on a <u>scribe line of a wafer 2</u>, and it comprises a Fresnel zone plate having a power only in X direction. By this <u>mark</u>, the reflectively diffractively light (shown as transmissive light in FIG. 5) is being influenced by light diverging function. The diffraction light goes <u>through</u> the mask and is collected upon the sensor 12.

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use the teaching of Matsumoto's sensor in determining a alignment mark to be a hole from a first surface to a second surface for the purpose of providing alignment mark for other procedures can be completed accurately for the completion of making a device.

Claims 1-15, 22-25 and 30-39 are allowed.

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Response

Applicant's arguments filed 8/16/04 have been fully considered, but are moot in view of the new grounds of rejections detailed above.

The following references are cited as of interest to this application, but not applied at this time.

Field of Search	Date
U.S. Class and subclass:	6/29/03
257/797,620,618,226,59,72,644,650	11/19/03
	5/7/04
	10/31/04
Other Documentation:	6/29/03
foreign patents and literature in	11/19/03
257/797,620,618,226,59,72,644,650	5/7/04
·	10/31/04
Electronic data base(s):	6/29/03
U.S. Patents EAST	11/19/03
	5/7/04
	10/31/04

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander O Williams whose telephone number is (571) 272 1924. The examiner can normally be reached on M-F 6:30-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272 1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2826

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AOW 10/31/04

Alexander Williams
Primary Examiner